UNITED STATES SENATE

SELECT COMMITTEE ON INTELLIGENCE

STATEMENT OF DEREK C. BOK

PRESIDENT, HARVARD UNIVERSITY

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Mr. Chairman and Members of the Committee:

I appreciate the invitation to come before you today to discuss the activities of American intelligence agencies as they affect our universities. I think that I can contribute most directly to your deliberations by talking about the policies of my own university in this field and the differences that have arisen between Harvard and the Central Intelligence Agency.

In its 1976 report, a Select Committee of the Senate raised the question whether the integrity and professional standards of faculty members and institutions had been compromised or violated by some of the relationships existing between the academic and intelligence communities. The Select Committee also declared that it was the responsibility of the American academic community to set professional and ethical standards for its members with respect to intelligence activities.

In response to this suggestion and with the view that the problem needed careful thought, I appointed a committee at Harvard to study the specific issues raised by the Select Committee. In choosing the members of the committee, I appointed individuals who were respected within the University and experienced in both the academic and governmental communities. The members included Archibald Cox, Professor of Law; Henry Rosovsky, Dean of the Faculty of Arts and Sciences; Don Price, Dean of the School of Government; and Daniel Steiner, Counsel to the University.

After many months of study and consultation with interested parties, including the Central Intelligence Agency, the Harvard committee issued a report, a copy of which is attached to this statement. The report began by listing several fundamental premises. Three of them deserve mention here:

First, in an era of international tension and conflict it is important for the United States to have an effective system of foreign intelligence.

Second, U.S. foreign intelligence efforts, like other forms of professional work and public service, can benefit considerably from the research and expertise that can be obtained from universities and their faculty members.

Third, the relationship between U.S. foreign intelligence agencies and universities must be structured in ways that protect the integrity of universities and the academic profession and safeguard the freedom and objectivity of scholarship.

With these three premises in mind, the committee considered the several questions raised by the Select Committee and recommended the following guidelines to govern relationships between the Harvard community and the CIA and other U.S. intelligence agencies:

1. Harvard may enter into research contracts with intelligence agencies provided that such contracts conform with Harvard's normal rules governing contracting with outside sponsors and that the existence of a contract is made public in the usual manner by University officials.
2. Individual members of the Harvard community may enter into direct or indirect consulting arrangements with intelligence agencies to provide research and analytical services. The individual should report in writing the existence of such an arrangement to the Dean of his or her Faculty, who should then inform the President.

3. Any member of the Harvard community who has an ongoing relationship with an intelligence agency as a recruiter should report that fact in writing to the Dean of the appropriate Faculty, who should inform the President of the University and the appropriate placement offices within the University. A recruiter should not recommend to an intelligence agency the name of another member of the Harvard community without the prior consent of that individual. Members of the Harvard community whose advice is sought on a one-time or occasional basis should consider carefully whether under the circumstances it is appropriate to give the agency the name of another member of the Harvard community without the prior consent of the individual.

4. Members of the Harvard community should not undertake covert intelligence operations for a government agency. They should not participate in propaganda activities if the activities involve lending their names and positions to gain public acceptance for materials they know to be misleading or untrue. Before undertaking any other propaganda activities, individuals should consider whether the task is consistent with their scholarly and professional obligations.

5. No member of the Harvard community should assist intelligence agencies in obtaining the unwitting services of another member of the Harvard community nor should such agencies employ members of the Harvard community in an unwitting manner.

These guidelines are now in effect at Harvard on an interim basis. In

my opinion, they strike a sensible balance. On the one hand, they permit institutional and individual research and consulting arrangements that can benefit universities and individual academics and make available to intelligence agencies the intellectual resources of the University. On the other hand, they prohibit participation in covert recruiting on the campus and in operational activities of intelligence agencies.

It is with respect to these two activities--covert recruiting and operational activities--that significant differences of opinion have arisen between Harvard and the CIA. Over the past year, through staff discussions and correspondence with the CIA, we have unsuccessfully attempted to resolve these differences. In order to give you the substance of our exchange, I have attached to this statement the principal correspondence between us, beginning with a letter from Admiral Turner reacting to the issuance of the Harvard guidelines. These letters, as well as direct discussions with the CIA, make it clear that the CIA plans to ignore these two central elements of our guidelines.

This disagreement between Harvard and the CIA in regard to covert recruiting and operational use of academics raises fundamental questions that deserve consideration by this Committee.

Covert recruiting involves the secret use by the CIA of faculty members, administrators, and possibly students to identify individuals, primarily foreign nationals studying at U.S. universities, as likely candidates for employment or other service with the CIA on a regular or sporadic basis. In the course of serving as a covert recruiter of foreign nationals for the CIA, a professor

will presumably use the various means at his disposal to put together information for the CIA. For example, in a seminar discussion the professor might probe the student's views on international affairs to advise the CIA with respect to the student's attitudes. In a counselling session the professor might ask questions about the student's financial situation, not for the purpose of helping the student but to provide additional information to the CIA that might be useful in obtaining the student's services. Professors might invite students to social occasions in order to observe the student and gain background information of use to the CIA.

In these ways, recruiters become part-time covert agents of the CIA who use their positions as professors or administrators to identify foreign nationals on U.S. campuses who may be useful to the CIA. Such covert recruiting is highly inappropriate. A university community depends upon trust and candor to promote the free and open exchange of ideas and information essential to inquiry and learning. This atmosphere of trust has already been threatened by the widespread belief that certain foreign governments employ agents to observe and report on the views and behavior of their nationals enrolled as foreign students on American campuses. If it is known that our professors may also be observing foreign students and reporting on them to American intelligence agencies, the free exchange of views will be weakened still further.

As educators, we must be particularly sensitive to the interests of our students. Many of these students are highly vulnerable. They are frequently young and inexperienced, often short of funds and away from their homelands for the first time. Is it appropriate for faculty members, who supposedly are acting in the best interests of the students, to be part of a process of

recruiting such persons to engage in activities that may be hazardous and probably illegal under the laws of their home countries? I think not.

The operational use of academics abroad raises equally serious questions. Put most simply, a professor's academic status is used as a cover to engage in activities which presumably include collecting intelligence on instructions from the CIA, performing introductions on behalf of the CIA, playing a role in a covert CIA activity, or participating in some other way in CIA operations. Continuation of this kind of activity will be harmful to the academic enterprise. As stated in the report of the Harvard committee, the operational use of academics "inevitably casts doubt on the integrity of the efforts of the many American academics who work abroad and, as a practical matter, may make it more difficult for American academics to pursue their interests in foreign countries." If the CIA will not use Fulbright-Hays scholars for operational purposes, as I understand is the case, I see no reason for the CIA to use other scholars for such purposes. If your own draft legislation prevents intelligence agencies from paying academic personnel for providing information acquired while participating in a U.S. Government program abroad, I see no reason why the CIA should enlist the services of academics travelling abroad on other scholarly missions. The same considerations apply in all these situations.

A decade ago, one scholar revealed that his research findings in Nepal had, unknown to him, been regularly reported to the CIA. Thereafter, the work of other professors in India became suspect; requests to do research were subject to long delays; and efforts to work in sensitive areas of the country were blocked. As this example reveals, when the CIA uses professors for a variety of operational tasks, the motives and actions of all scholars abroad become suspect. Answers to inquiries are likely to be guarded; access is likely

to be restricted. The apprehension of one professor for engaging in an illegal activity in a foreign country may well result in the total exclusion of other scholars. At that point it will be too late to repair the damage. In the interest of scholarship, therefore, it would be most welcome if the CIA stopped using academic personnel for covert intelligence activities before further incidents take place.

In correspondence with me, the CIA has advanced three arguments to justify its refusal to respect our guidelines.

First, the CIA believes that it has unfairly been singled out as the object of special restrictions. In fact, our report expressly covers all U.S. intelligence agencies. We have not extended such restrictions to other institutions that recruit on our campus only because we have no reason to believe that corporations or other private institutions are either using our professors for covert intelligence activities or recruiting our students for unusually hazardous assignments or for activities that may be illegal under the laws of another nation.

Second, the CIA asserts that our guidelines interfere unjustifiably with the freedom of individual professors and employees to offer their services to the government. Harvard is not eager to impose a moral code on the behavior of its faculty and staff. Like all institutions, however, Harvard does claim the right to promulgate rules which prevent behavior that may compromise its mission or adversely affect the activities of other members of its community. As I have previously pointed out, we have drafted our present rules because we consider them necessary to preserve the integrity of our scholarly activities abroad and the atmosphere of candor and trust that are essential to the free exchange of ideas. The interests protected by our guidelines are important to everyone who seeks to learn and do research in the University.

Third, the CIA has argued that it must disregard our guidelines in the interests of national security. Let us be clear about exactly what this argument implies. Although the CIA emphasizes the "immense benefits we receive from extensive relationships with scholars and academic institutions throughout the country," it insists upon the right to use financial inducements or other means of persuasion to cause our professors and employees to ignore our rules of employment and enter into secret relationships whenever it considers such activities to be justified by the interests of national security.

I do not believe that an agency of the United States should act in this fashion. A Senate committee has called upon the academic community to set standards to govern its relations with the intelligence agencies. Harvard has attempted to set such standards. Yet the CIA is declaring that it will simply ignore essential provisions of our guidelines.

Essentially, our common task is to strike a proper balance between the needs of intelligence agencies in promoting our national security and the interests of the academic community in preserving conditions essential to learning and inquiry. The CIA may have special knowledge of our intelligence needs. But the CIA is hardly the appropriate arbiter to weigh these needs against the legitimate concerns of the academic community. It has no special knowledge of universities nor does it have the experience to weigh the intangible values involved in maintaining the integrity of the scholarly enterprise or an atmosphere of candor and trust on the nation's campuses. In addition, as an agency dedicated to the pursuit of intelligence activities, it cannot claim to have complete

objectivity in weighing its own needs against the interests of a separate class of institutions.

I recognize that similar arguments can be applied to universities. As the representative of an educational institution, I cannot claim to have expert knowledge of our intelligence needs nor can I pretend to have complete objectivity where academic interests are at stake. But it is an extraordinary step for a government agency to assert the right to interfere with the relations between an institution and its employees and to disregard the internal rules that an institution has developed to safeguard its essential activities. Such decisions should be made only under the express authority of the Congress and only on the basis of clear and convincing evidence.

If Congress finds that such evidence exists and that the national security requires its agencies to act in disregard of our rules, we must, of course, submit to such a judgment. But I believe that the evidence will be of a different nature. I suspect that careful examination will show that covert recruiting and the operational use of academic personnel may make the job of the CIA somewhat easier but that such methods are not essential to carrying out its intelligence function. If this is the case, Congress should make it clear that these activities cannot continue, and that the internal rules of academic institutions should be respected. The added effort and inconvenience required of the CIA to carry out its mission should be an acceptable price to pay in order to preserve the integrity of the academic profession, the independence of our educational institutions, and the atmosphere of openness and trust essential to free inquiry and learning.